

1 BEFORE THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

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3
4 SKAGIT COUNTY GROWTHWATCH

Case No. 04-2-0004

5
6 Petitioner,

**ORDER FINDING
COMPLIANCE**

7 v.

8 SKAGIT COUNTY,

9
10 Respondent.

11 And

12 DAY CREEK SAND AND GRAVEL,

13
14 Intervenor.
15

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17 This matter comes before the Board to determine whether Skagit County (County) has
18 brought the designation of the Karma Gardens site into compliance with the Growth
19 Management Act (GMA). The Final Decision and Order in this case found that the
20 designation of Karma Gardens was not in compliance with the GMA because the County
21 used an administrative interpretation process that failed to comply with the GMA's
22 requirements for amending a comprehensive plan and the County's public participation or
23 environmental review process. Final Decision and Order (August 24, 2004).
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26 In response, the owners of Karma Gardens applied to Skagit County for a Comprehensive
27 Plan Amendment to change the designation of the property from Agricultural-NRL to Rural
28 Business. The Skagit County Planning and Development Service issued a Determination of
29 Non-significance (DNS) on November 22, 2004. The County received no comments on the
30 DNS during the comment period. The County published notice in regard to the public
31 review and comment period. The Planning Commission held a hearing on the proposed
32

1 amendment and recommended that the County approve the re-designation of the 2.6 acre
2 Karma Gardens site from Agricultural-NRL to Rural Business for the reason that an error
3 had been made in not including this property in the initial considerations for Rural Business
4 designations. The County Commissioners reviewed and deliberated on the Planning
5 Commission's recommendation and adopted Ordinance 020050004 that re-designated the
6 2.6 acre Karma Gardens site to Rural Business.
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9 The Board held a compliance hearing on April 26, 2005. Mr. Don Anderson represented the
10 County. All three Board members attended. No party filed objections to a finding of
11 compliance or appeared to object to a finding of compliance. The County described its
12 actions to achieve compliance and asked to be found in compliance.
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14 **FINDINGS OF FACT**

- 16 1. Skagit County is a county located west of the crest of the Cascade Mountains that is
17 required to plan pursuant to RCW 36.70A.040.
- 18 2. In its Final Decision and Order, the Board found that the designation of the 2.6 acre
19 Karma Gardens site was not compliant with the GMA because the County had used
20 an administrative interpretation process to change the designation of this property
21 from Agricultural – NRL to Rural Business. The administrative interpretation process
22 did not comply with the requirements of the GMA for comprehensive plan
23 amendments or the county's own public participation and environmental review
24 requirements.
- 25 3. The owners of Karma Gardens applied for a comprehensive plan amendment.
- 26 4. The County issued a DNS for the Karma Gardens site and conducted the appropriate
27 comment period.
- 28 5. The Planning Commission conducted a public hearing and recommended that the
29 2.6 acre Karma Gardens site be changed from Agricultural – NRL to Rural Business
30 because an error had been made in designating the property previously.
- 31 6. The Skagit County Commissioners reviewed and deliberated on the Planning
32 Commission proposal and re-designated the Karma Gardens site Rural Business.

1 **CONCLUSIONS OF LAW**

- 2 1. The Board has jurisdiction over this case.
- 3 2. The County's process for re-designating the Karma Gardens site complies with the
- 4 requirements of the GMA and the County's public participation and environmental
- 5 review process.
- 6 3. The designation of the Karma Gardens site now complies with the GMA.
- 7

8 **ORDER**

9 The designation of the Karma Gardens site now complies with Chapter 36.70A RCW and

10 the County's public participation and environmental review requirements and, therefore, this

11 case is CLOSED.

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14 This is the final order for the purposes of appeal pursuant to RCW 36.70A.300(5). A motion

15 for reconsideration must be brought within ten days of service of this final order.

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17 So ordered this 2nd day of May 2005.

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21 Holly Gadbow, Board Member

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25 Margery Hite, Board Member

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29 Gayle Rothrock, Board Member

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